

30. (Pending) The system of claim 29 wherein the stirring head comprises a molded body.

31. (Pending) The system of claim 30 wherein the body is plastic.

32. (Pending) The system of claim 31 wherein the shaft portion includes a plate with upwardly extending fingers and the stirring head including a driver with a blade actuatable with the fingers to effect rotation, and the engaging portion engages the plate.

33. (Pending) The system of claim 30 or 32 wherein the interference arm is a single downwardly extending arm.

34. (Pending) The system of claim 30 or 32 wherein the interference arm comprises two downwardly extending arms.

35. (Pending) The system of claim 30 or 32 wherein the interference arm is pivotable with respect to the stirring head.

36. (Pending) The system of any one of claims 30 or 32 wherein the can cover includes a pouring spout and the interference arm engages the spout to prevent rotation.

37. (Pending) The system of claim 30 or 32 wherein the shelf is free of pins.

51. (Pending) The system of claim 29 wherein the head is connected to a hollow shelf arranged above the can cover.

## REMARKS

### **Status of the Claims**

Claims 1-14, 18, 22, 23, 25-27, 29-37 and 51 are pending in the application. Claims 15-17, 19-21, 24, 28 and 38-50 were previously canceled. Claims 1-14, 18, 22, 23 and 25-27 are allowed. Claims 29-34 and 51 are rejected. Claim 35 is objected to.

### **Claim Objections**

Claim 25 (clean underlined copy) presently includes the required underlining in the last line.

Claim 29 has been amended and attached is a marked-up version of amended claim 29 in order to clarify the individuality of the stirring heads to address the examiner's interpretation of the IT reference in the final rejection mailed March 31, 2006. As we understand it, the Examiner contends that with a single paint can in the rack, the system of the IT reference would afford an "individual stirring head." We take it that the Examiner agrees that the IT reference does not in fact disclose multiple stirring heads which both trap the cover and prevent rotation. While we do not agree that the IT reference discloses an "individual stirring head" in the sense intended by claim 29, in the spirit of compromise, we propose an amendment to the claim that will render this issue moot.

In particular, claim 29 as we propose to amend it (see page following these remarks), now expressly requires a plurality of stirring heads associated respectively with corresponding paint cans, each head having an interference member that is separate from the part of the stirring head body that captures the can cover. The IT reference does not have a plurality of stirring heads. The claim has also been amended to more clearly and positively require that the interference arm is separate from the stirring head body portion that traps the can cover. The IT reference does not have a separate body portion that traps the can cover. Integral tube 10 merely offers openings 11 through which the clamping screws 4 can pass and engage the driving mechanism.

#### **Reissue Oath/Declaration**

A supplemental declaration for reissue patent application to correct "errors" statement (37 CFR 1.175) was filed on April 14, 2005, along with the last amendment, and was recorded as received in Patent Office mail room on April 18, 2005. Accordingly, the undersigned does not understand the basis for the Examiner's requirement of a new oath with respect to the last amendment, unless he is merely emphasizing for the applicant's benefit, as was done later in the office action, that any further substantive changes in the claims would require a new supplemental oath. In that respect, the only changes to the claims with this currently proposed amendment are those discussed above with respect to claim 29.

If the proposed changes to claim 29 are acceptable in otherwise placing this case in condition for allowance, the undersigned would be grateful if Examiner Cooley could acknowledge same in a phone call to 617-521-7838, and we will then immediately arrange to

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obtain the supplemental declaration from France based on the as-amended claims on an expedited basis. The reason why this has not been undertaken at present is that the current amendment is after final, and therefore stands as a proposal which would be entered only subject to the Examiner's approval.

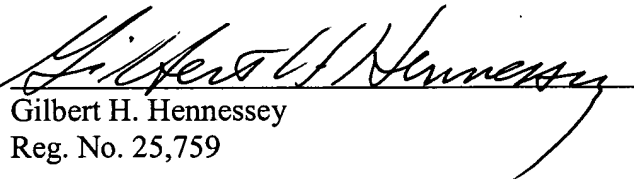
In the interest of concluding these proceedings, the applicant stands ready to favorably consider any further changes in the form of claim 29 that the Examiner suggests would clarify the distinctions over the IT reference, if deemed necessary, in which case the subsequent supplemental declaration would be able endorse those changes as well without having to file yet another supplement oath.

Enclosed is a Petition for Extension of Time along with a check for the required \$60.00 fee. Please apply any fees or credits due in this case, which are not already covered by check, to Deposit Account 06-1050, referencing 10767-003001.

Respectfully submitted,

Date: \_\_\_\_\_

7/27/06

  
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**Version of Claim 29 with Markings to Show Changes Being Made**

29. A system for stirring paint in a plurality of removable paint cans, comprising:  
a plurality of removable can covers for respective cans, each cover having with a paint stirrer for the respective can that includes a rotatable drive shaft;  
a can support shelf for a row of removable cans; and  
an plurality of individual stirring heads, one for a each single can in the row, each individual stirring head being positioned above the shelf ~~that~~ so as to engages the stirrer in the cover when the can is inserted with its cover on the shelf, ~~the~~ each stirring head comprising a body carrying a rotational stirrer drive mechanism, a portion of said body being shaped to trap the cover ~~in the cover~~ in position when the can is inserted on the shelf so that the drive shaft of the stirrer in the cover is drivingly aligned with the rotational drive mechanism in the stirring head, said body further including an separate interference arm, separate from said portion of said body, that extends downwardly toward the shelf that prevents rotation of the cover as the stirrer rotates by mechanically interfering with the cover as a stop against rotation in a single direction to prevent rotation of the cover in the same direction of rotation of the stirrer and an engaging member for engaging a portion of the drive shaft extending above the can cover,  
a region between ~~the~~ each individual stirring head and the shelf for inserting a respective can for stirring, the region being free of obstructions that would restrain insertion of the respective can or ~~the~~ its cover to a single orientation on the shelf.